

SENATE BILL 584

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2003 Regular Session
3lr0874
CF 3lr0875

By: **Senator McFadden (By Request - Baltimore City Administration)**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services - Baltimore City - Front-End Work Release Program**

3 FOR the purpose of requiring the Commissioner of Pretrial Detention and Services of
4 Baltimore City to establish and administer a certain front-end work release
5 program for certain eligible participants; requiring the Commissioner to direct
6 resources to establish a certain number of beds for the program; requiring the
7 Commissioner to establish certain eligibility criteria for participation in the
8 program; requiring the Commissioner to establish a certain front-end work
9 release plan for each participant in the program; authorizing the Commissioner
10 to recommend certain individuals to participate in the program; authorizing a
11 court to authorize certain individuals to participate in the program; authorizing
12 the Commissioner to suspend or remove certain participants from the program
13 under certain circumstances; requiring the Commissioner to collect earnings
14 from certain participants; authorizing the Commissioner to make certain
15 payments and reimbursements out of earnings from certain participants;
16 clarifying that certain participants in the program are not agents of Baltimore
17 City or other certain entities; authorizing the Commissioner to charge
18 participants certain fees under certain circumstances; and generally relating to
19 correctional services in Baltimore City and establishment of a front-end work
20 release program.

21 BY repealing and reenacting, with amendments,
22 Article - Correctional Services
23 Section 11-704
24 Annotated Code of Maryland
25 (1999 Volume and 2002 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Correctional Services**

2 11-704.

3 (a) In this section, "Commissioner" means the Commissioner of Pretrial
4 Detention and Services.

5 (b) This section applies only in Baltimore City.

6 (c) (1) The Commissioner may allow an inmate of the Baltimore City
7 Detention Center to participate in one of the activities specified in paragraph (2) of
8 this subsection during the period of custody if the participation:9 (i) is approved by the judge ordering confinement or, if that judge
10 is unable to act, by another judge of the committing court; and

11 (ii) is in accordance with available programs.

12 (2) Subject to paragraph (1) of this subsection, an inmate may:

13 (i) continue regular employment;

14 (ii) obtain new employment;

15 (iii) participate in a training, rehabilitation, or other special
16 program; or

17 (iv) attend an educational institution.

18 (3) (i) An inmate who is authorized to participate in a program under
19 this subsection shall be held in custody between program hours or periods.20 (ii) The Commissioner or Commissioner's designee may allow an
21 inmate who is authorized to participate in a program under this subsection to be held
22 in custody through home detention by the use of electronic monitoring devices.23 (iii) Subject to the availability of funds, the Commissioner may
24 contract for halfway houses or other suitable housing facilities or electronic
25 monitoring devices for inmates authorized to participate in a program under this
26 subsection.27 (D) (1) THE COMMISSIONER SHALL ESTABLISH AND ADMINISTER A
28 FRONT-END WORK RELEASE PROGRAM FOR ELIGIBLE PARTICIPANTS AT THE
29 BEGINNING OF AN ELIGIBLE PARTICIPANT'S COMMITMENT TO THE CUSTODY OF THE
30 BALTIMORE CITY DETENTION CENTER.

31 (2) THE COMMISSIONER SHALL:

32 (I) DIRECT SUFFICIENT RESOURCES TO ESTABLISH 35 FRONT-END
33 WORK RELEASE BEDS IN A FACILITY THAT IS CURRENTLY BEING USED FOR OTHER
34 TYPES OF WORK RELEASE PROGRAMS;

1 (II) ESTABLISH ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE
2 FRONT-END WORK RELEASE PROGRAM; AND

3 (III) ESTABLISH FOR EACH PARTICIPANT, A WORK RELEASE PLAN
4 THAT INCLUDES THE TERMS AND CONDITIONS OF THE WORK RELEASE AND
5 EMPLOYMENT.

6 (E) (1) PARTICIPATION IN THE FRONT-END WORK RELEASE PROGRAM IS A
7 PRIVILEGE AUTHORIZED BY THE COURT.

8 (2) THIS SECTION DOES NOT CREATE A RIGHT TO PARTICIPATE IN THE
9 FRONT-END WORK RELEASE PROGRAM OR TO REMAIN IN THE PROGRAM AFTER THE
10 PARTICIPANT HAS BEEN SUSPENDED OR REMOVED FROM THE PROGRAM.

11 (F) THE COMMISSIONER MAY RECOMMEND TO A COURT THAT AN INDIVIDUAL
12 PARTICIPATE IN THE FRONT-END WORK RELEASE PROGRAM IF:

13 (1) THE INDIVIDUAL HAS APPLIED TO PARTICIPATE IN THE PROGRAM;
14 AND

15 (2) THE COMMISSIONER HAS APPROVED THE APPLICATION.

16 (G) IF THE COMMISSIONER RECOMMENDS PARTICIPATION IN THE
17 FRONT-END WORK RELEASE PROGRAM, A COURT MAY AUTHORIZE AN INDIVIDUAL
18 TO PARTICIPATE IN THE PROGRAM:

19 (1) WHEN THE COURT IMPOSES A SENTENCE;

20 (2) WHEN THE COURT COMMITS AN INDIVIDUAL TO THE CUSTODY OF A
21 BALTIMORE CITY DETENTION CENTER; OR

22 (3) AT ANY TIME DURING THE INDIVIDUAL'S CONFINEMENT.

23 (H) (1) THE COMMISSIONER MAY SUSPEND OR REMOVE A PARTICIPANT
24 FROM THE FRONT-END WORK RELEASE PROGRAM:

25 (I) AT ANY TIME;

26 (II) WITHOUT PRIOR APPROVAL FROM THE COURT; AND

27 (III) FOR ANY REASON THAT THE COMMISSIONER DETERMINES.

28 (2) THE COMMISSIONER SHALL NOTIFY THE COURT WITHIN 15 DAYS
29 AFTER THE COMMISSIONER SUSPENDS OR REMOVES A PARTICIPANT FROM THE
30 FRONT-END WORK RELEASE PROGRAM.

31 (I) (1) THE COMMISSIONER SHALL COLLECT EACH PARTICIPANT'S TOTAL
32 EARNINGS FROM THE FRONT-END WORK RELEASE PROGRAM, LESS PAYROLL
33 DEDUCTIONS.

34 (2) FROM THE PARTICIPANT'S EARNINGS, THE COMMISSIONER:

1 (I) MAY PAY THE REASONABLE COST TO THE BALTIMORE CITY
2 DETENTION CENTER OF PROVIDING FOOD, LODGING, AND CLOTHING FOR THE
3 PARTICIPANT;

4 (II) MAY MAKE COURT-ORDERED PAYMENTS FOR DEPENDENTS;

5 (III) MAY PAY COURT-ORDERED COSTS, FINES, AND RESTITUTION;

6 (IV) IF ORDERED BY THE COURT, MAY REIMBURSE THE STATE FOR
7 THE COURT-APPOINTED COUNSEL; AND

8 (V) IF ORDERED BY THE COURT, MAY REIMBURSE THE STATE FOR
9 THE SERVICES OF THE PUBLIC DEFENDER.

10 (3) ANY BALANCE THAT REMAINS AFTER PAYMENTS ARE MADE UNDER
11 SUBPARAGRAPH (I) OF THIS PARAGRAPH:

12 (I) SHALL BE CREDITED TO AN ACCOUNT HELD BY THE
13 COMMISSIONER FOR THE PARTICIPANT; AND

14 (II) IF THE COMMISSIONER APPROVES, SHALL BE DISPOSED OF AS
15 REQUESTED BY THE PARTICIPANT.

16 (4) ANY BALANCE REMAINING IN THE PARTICIPANT'S ACCOUNT WHEN
17 THE PARTICIPANT IS RELEASED FROM THE BALTIMORE CITY DETENTION CENTER
18 SHALL BE PAID TO THE PARTICIPANT.

19 (J) A PARTICIPANT EMPLOYED IN THE COMMUNITY UNDER THIS SECTION IS
20 NOT AN AGENT OR EMPLOYEE OF BALTIMORE CITY, THE COMMISSIONER, ANY
21 JUDICIAL OFFICER, OR ANY OTHER PUBLIC OFFICER OF BALTIMORE CITY OR THE
22 STATE.

23 (K) THE COMMISSIONER MAY CHARGE A PARTICIPANT A REASONABLE FEE IN
24 AN AMOUNT NOT TO EXCEED THE ACTUAL COSTS INCURRED BY THE BALTIMORE
25 CITY DETENTION CENTER FOR FOOD, TRAVEL, AND OTHER EXPENSES RELATED TO
26 THE PARTICIPANT'S PARTICIPATION IN THE WORK RELEASE PROGRAM.

27 [(d)] (L) (1) [An] EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS
28 SECTION, AN inmate who is employed under a work release program shall surrender
29 to the Commissioner or Commissioner's designee the total earnings of the inmate
30 under the program, less payroll deductions required by law.

31 (2) From the net earnings of the inmate, the Commissioner or
32 Commissioner's designee shall deduct in the following order of priority:

33 (i) an amount not to exceed one-third of the inmate's net earnings
34 for the cost to the State of providing food, lodging, electronic monitoring devices, and
35 clothing for the inmate;

1 (ii) the actual and necessary food, travel, and other expenses of the
2 inmate when released from actual custody under the program;

3 (iii) the amount, if any, that the inmate is legally obligated to pay for
4 the support of a dependent by court order directed to the Commissioner; and

5 (iv) the amount for court-ordered payments for restitution.

6 (3) The Commissioner or Commissioner's designee shall pay any amount
7 deducted as required by paragraph (2)(iii) of this subsection as the court order directs.

8 (4) The Commissioner or Commissioner's designee shall:

9 (i) credit to the inmate's account any remaining balance; and

10 (ii) pay the balance in the inmate's account to the inmate on
11 release.

12 (5) If any part of the inmate's final earnings under a work release
13 program are required to satisfy the deductions specified in paragraph (2) of this
14 subsection, the balance of the final earnings shall be forwarded to the inmate within
15 15 days after the date of release from the Baltimore City Detention Center.

16 [(e)] (M) (1) A court may require an individual who is convicted of a crime to
17 satisfy a fine or court costs by participating in a work program established under the
18 jurisdiction of the Division of Parole and Probation in Baltimore City.

19 (2) An individual who participates in the work program shall receive a
20 credit of at least the federal minimum wage per hour toward the fine or court costs.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2003.